

GUIDELINE NO: 5.2
Operator Certification Program
Revised Feb., 2012**GUIDELINE TITLE: OBTAINING DIRECTOR'S DIRECTION TO USE NON-CERTIFIED OPERATORS IN THE EVENT OF A STRIKE OR LOCK-OUT****PURPOSE**

To provide guidance to owners and operating authorities of drinking water and wastewater systems on the information required to obtain a Director's direction to use non-certified drinking-water operators and unlicensed wastewater operators in the event of a strike or lock-out.

CONTEXT

Section 24 of O. Reg. 128/04 made under the *Safe Drinking Water Act, 2002*, and Section 16 of O. Reg. 129/04, made under the *Ontario Water Resources Act*, allows the Director to approve the operation of a system by a person who does not hold the applicable operator certificate/licence in the event of a strike or lock-out. The provisions also permit the facility to be operated with an overall responsible operator who does not meet specific qualifications set out in the regulations. The Director must be "satisfied that the facility/system will be operated without a significant risk to human health or the natural environment".

In order for the Director to make an informed decision regarding the use of non-certified operators during a strike or lock-out, the Director will need to review the follow documents:

- A detailed list of all staff proposed to work within the new subsystem during the strike/lock-out.
- A proposed plan for the operation of the system during the strike or lock-out.

Please use the template provided by the Ministry for submission.

A submission to the Director under O. Reg. 128/04 and O. Reg. 129/04 is not required if the owner or operating authority will only be using personnel who hold a valid operator's certificate or licence applicable to that type of facility for all operational work performed. Non-certified and unlicensed professional engineers may also be able to perform operational work during a strike and lock-out as allowed under section 25 of O. Reg. 128/04 and subsection 14 (2) of O. Reg. 129/04. A professional engineer may not undertake the responsibilities of an overall responsible operator without holding the applicable class of certificate/licences unless the Director directs the use of personnel who do not hold the applicable certificate/licence.

In the event that a submission to the Director is not required the owner or operating authority may be requested to provide information on the strike contingency plan to the local Ministry of the Environment District office.

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POLICY

The information provided will be reviewed by the Ministry's Drinking Water Programs Branch and the local District office. The Director may request that changes to the information provided be made prior to approval.

The approval to use non-certified or unlicensed operators in the event of a strike or lock-out may be altered or withdrawn at any stage of the strike or lock-out, if the Director is of the opinion that a significant risk to human health or the natural environment exists.

Permission to operate a facility with personnel who do not hold a valid certificate/licence, or an overall responsible operator with requisite qualifications does not negate a facility's responsibility to comply with its Certificate of Approval, other requirements of the *Safe Drinking Water Act, 2002* or the *Ontario Water Resources Act* and their regulations or other environmental legislation.

CONTACT

For further information or to submit a strike plan to the Ministry call or fax:

Manager, Certification, Training and Client Services
2 St. Clair Ave W. 19th Floor
Toronto, ON
M4V 1L5
Tel: 416-212-7457
Fax: 416-314-9477

The Strike Plan template can be accessed by clicking on the following link:
[Obtaining Director's Direction to Use Non-certified Operators in the Event of a Strike or Lock-out](#)